

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION MEETING  
FULL MINUTES  
April 13, 2021  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:                    Dan Huntington  
    Pekka Ignatius  
    Rand Kirkus

Deputy City Administrator:            Leigh Threadgill

Citizens Present:                         7

**I. CALL TO ORDER:**

Chairman Huntington called the meeting to order at 7:17 PM. A quorum was present. Deputy City Administrator Leigh Threadgill and seven members of the public were also present.

Huntington: *Our meeting is being held tonight by public conference call due to COVID-19 virus social distancing requirements. The Planning & Zoning Commission members are participating in the call with video capabilities in case anyone wonders how I am interpreting their voting tonight. In order to ensure that members of the public have access to this meeting, an advertisement was placed in the newspaper of record for Gwinnett County; a notice was placed at the front door of city hall; and a link was placed on the city website regarding the meeting. All of which included instructions for dialing into the meeting via telephone. For any members of the public in attendance, please dial star-six to mute your line to prevent ambient noise if you are not speaking as part of the meeting. To un-mute your line to speak, press star-six again.*

**II. APPROVAL OF OR CHANGES TO THE AGENDA**

Huntington asked to reverse the order of the variance requests. **Kirkus moved to approve the change to the agenda. Ignatius seconded. All were in favor.**

**III. MINUTES**

1. Minutes of March 9, 2021

**Kirkus moved to approve the minutes of the March 9th meeting. Ignatius seconded and all voted to approve the minutes.**

#### **IV. OLD BUSINESS**

There was no old business to discuss.

#### **V. NEW BUSINESS**

1. PZV 21-08, 146 Lakeshore Drive, Applicant LB Holdings LLC (Manager, Paul D’Agnese) requests relief from the following:
  - (a) Section 78-89 (a), to locate an accessory structure in the front yard; and
  - (b) Section 78-197 (5) to reduce the front setback from 65 feet to 35 feet; and
  - (c) Section 78-89 (d)(1) to reduce the south side setback from 12.5 feet to 4 feet; and
  - (d) Section 78-197 (11) to increase the existing non-conformity regarding building coverage from 17.5% to 19.5%; and

The applicant was recognized to introduce the application. Mr. D’Agnese stated that several adjoining neighbors are supportive of the application because they requested that the applicant remove a temporary tent that had been used to shelter his classic car. He constructed the subject structure to replace the temporary tent. The structure can’t be seen, but there was an inquiry made to city hall and the marshal informed the applicant that the structure would need to be removed or a variance obtained to allow it to remain. Mr. D’Agnese noted that the structure is camouflaged with faux vines. He read the following letter from Britt Collins into the record.

*In past year it was brought to my attention that the owner of 146 Lakeshore Drive had a temporary, tentlike structure that sheltered a vehicle on his property beside his house and near the lake. I knew that this was strictly against city ordinances because of my past experience working as the Zoning Enforcement Officer (ZEO) for the City of Berkeley Lake after Stan Kelly had resigned. On my travels around the lake I witnessed this for myself and found myself thinking that a better option should be implemented over against using a temporary structure.*

*At some point I noticed that the tent had been removed. Later, upon meeting the owner of 146 Lakeshore Drive, I was informed that he had built a permanent structure to safeguard his vehicle, and that the structure was basically hidden and well camouflaged. I was then given a tour of the structure which had, up to that moment, completely escaped my notice. In short, I was impressed.*

*I am advancing an opinion that I believe the homeowner has responded well to the appearance issues that had been expressed by his concerned neighbors. I further think the solution is creative and satisfies issues of safety, being far safer to vehicular traffic than the clifflike nature*

*of his driveway previous to the new solution. It is my hope that the City of Berkeley Lake can find a legal way to accept our neighbor's diligence in this case.*

Mr. D'Agneses further stated that this structure will protect his car from thousands of dollars of damage.

There was brief discussion.

Brad Horbal, 142 Lakeshore Drive, stated that the goal of side and front setbacks is to not restrict visibility, and the applicant has made sure that his solution was not restricting visibility from the street or neighbors.

Scott Worgo, 200 Lakeshore Drive, stated that he has a view into the applicant's backyard and it's nice to not have to look at his car cover anymore. The current one is much better than the previous.

**Ignatius moved to approve the request as submitted. Kirkus seconded the motion. Ignatius voted to approve. Huntington and Kirkus voted in opposition. The motion failed and the variance was denied.**

2. PZV 21-07, 4224 S. Berkeley Lake Rd., Applicant Stan Howington requests relief from Section 78-197 (3) of the Zoning Ordinance to reduce the minimum lot size of 28,050 square feet in order to subdivide the property into a 27,005-square-foot lot and a 25,746-square-foot lot.

The applicant was recognized to introduce the application. Stan Howington introduced the request and stated that survey and soil testing had been done. The minimum lot size for septic tanks is 25,500 square feet and the city's minimum is slightly more restrictive than that.

There was brief discussion.

**Ignatius moved to approve the request as submitted. Kirkus seconded the motion. All were in favor and the motion passed.**

3. Discussion - changes to Sections 78-366 and 78-367 regarding notice requirements, variance standards, and administrative variance categories.

This agenda item was tabled for future consideration.

## **VI. CITIZEN COMMENTS**

There were none.

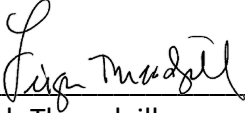
## **VII. DISCUSSION**

There was no further discussion.

## VIII. ADJOURNMENT

There being no further business, Ignatius moved to adjourn. Kirkus seconded. All voted in favor and Huntington adjourned the meeting at 7:43 PM.

Respectfully submitted,



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Leigh Threadgill  
Deputy City Administrator